

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ROY S. PORTER,

Petitioner,

CASE NO. C15-1666RSM

V.

PAT GLEBE.

## Respondent.

## ORDER OF DISMISSAL

The Court, having reviewed the Report and Recommendation (“R&R”) of the Honorable Mary Alice Theiler, United States Magistrate Judge, the Objections filed by Petitioner, and the remaining record, finds and Orders as follows:

1. The Court ADOPTS Judge Theiler's R&R (Dkt. #30) in its entirety. Petitioner has objected to the dismissal of his Petition with prejudice and without an evidentiary hearing. Dkt. #31. He has also objected to the recommendation that he be granted a certificate of appealability ("COA") only on Grounds Two and Three (both related to his allegations of prosecutorial misconduct) of his Petition, and seeks a COA on all four grounds that he raised. *Id.* However, Petitioner fails to provide any argument or legal authority supporting his Objections. In fact, the entirety of Petitioner's Objections are the two sentences identifying the relief he

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1 requests from the Undersigned. As a result, the Court can find no basis to reject Judge Theiler's  
2 recommendations and will not grant Petitioner's Objections.

3       2. Petitioner's habeas petition is DENIED without an evidentiary hearing and this  
4 action is DISMISSED with prejudice.

5       3. A certificate of appealability is GRANTED with respect to Grounds Two and  
6 Three of petitioner's habeas petition, and DENIED with respect to Grounds One and Four. *See*  
7 28 U.S.C. § 2253.

8       4. The Clerk shall send a copy of this Order to the parties and to Judge Theiler.

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10 DATED this 21 day of June 2016.

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13 RICARDO S. MARTINEZ  
14 CHIEF UNITED STATES DISTRICT JUDGE  
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